CONFIDENTIAL

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REHABILITATION, HOUSING & BACKWARD CLASSES. **DEPARTMENT** — 754 Rev(C) dt 22/2/57

/B **BRANCH**

Subject:— Bombay Displaced Persons Premises Control and Requisition Bill

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Class (A)

LEGISLATIVE ASSEMBLY BILL NO. OF 1951.

A Bill to provide for the control and regulation of occupation of premises provided for the use and occupation of displaced persons.

Preamble. WHEREAS it is expedient to provide for the control and regulation of premises provided for the use and occupation of displaced persons and for certain matters connected therewith; It is hereby enacted as follows:

Short title. 1. This Act may be called the Bombay Displaced Persons Premises Control and Regulation Act, 1951.

Definitions. 2. In this Act, unless the context otherwise requires,-

a) "competent authority" means any person authorised by the State Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

b) "displaced person" means any person who, on account of the setting up of the Dominion of India and Pakistan, or on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan, has been displaced from or has left his place of residence in such area after the first day of March 1947 and who has been subsequently residing in India;

c) "displaced persons premises" means any premises allotted by the State Government for the use and occupation of displaced persons;

d) "premises" means any building or part of a building and includes -

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of a building, and

(1')

(ii) any fittings affixed to such building or part of a building for the more beneficial employment thereof;

(c) "prescribed" means prescribed by rules made under this Act.

Declaration of displaced persons premises.

3. The State Government may, by notification in the Official Gazette, specify any premises allotted for the use and occupation of displaced persons, as displaced persons premises for the purposes of this Act. The decision of the State Government under this section shall be final.

4. (1) If the competent authority is satisfied -

(a) that the person authorised to occupy any displaced persons premises has, whether before or after the commencement of this Act,

(i) not paid rent lawfully due from him in respect of such premises for a period of two months, or

(ii) sub-let, without the permission of the State Government or of the competent authority, the whole or any part of such premises, or

(iii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(b) that any person is in unauthorised occupation of any displaced persons premises,

notwithstanding anything contained in any law for the time being in force, the competent authority may, by notice served by post or otherwise, order that that person as well as any other person who may be in occupation of the whole or any part of the premises, shall vacate them within fifteen days of the date of the service of the notice.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may evict that person from, and take possession

of, the premises, and may for that purpose use such force as may be necessary.

6(1) Where any person is in unauthorised occupation of any displaced persons premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the premises as it may deem fit, and may, by notice served by post or otherwise, order that specified in the notice.

(2) If any person refuses or fails to pay the damages within the time specified in the notice, the damage may be recovered as arrears of land revenue.

6 (1) Any person aggrieved by an order of the competent authority under section 4 or or section 5 may, within ten days of the date of the service of the notice under section 4 or section 5, as the case may be, prefer an appeal to the State Government ; -

Provided that the State Government may entertain the appeal after the expiry of the said period of ten days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the State Government may, after calling for a report from the competent authority, and after making such further inquiry, if any, as may be necessary, pass such orders as it thinks fit, and the orders of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Protection of action taken in good faith

7. No suit, prosecution or other legal proceedings shall lie against the State Government or the competent authority in respect of anything which is in good faith done or intended

to be done in pursuance of this Act or of any rules or orders made thereunder.

Delegation. 8. The State Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by an officer specially empowered in this behalf by the State Government.

Penalty. 9. Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act shall, on conviction, be punishable with fine which may extend to one thousand rupees.

Power to make rules. 10.(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

a) the form of notice and the manner in which it may be served;

b) the procedure to be followed in taking possession of displaced persons premises;

c) the manner in which damages for unauthorised occupation may be assessed;

d) the manner in which appeals may be preferred and the procedure to be followed in appeals;

e) any other matter which has to be or may be, prescribed.

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hss.4/8

STATEMENT OF OBJECTS AND REASONS.

Government has constructed nearly 12,000 tenements for housing displaced persons in various colonies and townships at an estimated cost of about Rs.4 crores. Most of these tenements have been allotted to displaced persons on rental basis. Recovery of that rent in respect of these tenements has not been satisfactory and the arrears of rent to the extent of Rs. 40 lakhs have accumulated. The housing programme of the displaced persons is financed from the loans advanced by the Government of India and if rents are not recovered regularly, there will be difficulties in the repayment of these loans. At present the officers concerned do not have effective powers to recover rents speedily. The ordinary procedure of filing suits in civil courts will cause delay and is not likely to be helpful in speedy recovery of arrears of rent. It is, therefore, necessary to give effective powers to competent officers of Government to recover rents and for evicting displaced persons.

Another problem in the various colonies and townships is that of unauthorised occupation of Government tenements. It is, therefore, proposed to give powers to the competent officers to evict unauthorised persons from Government tenements.

hss.4/6

Special legislation to provide for the control and regulation of occupation of premises provided for the use and accommodation of displaced persons.

In order to provide accommodation to displaced persons, Government has undertaken special housing programme for them. Over 12,000 houses have been built at Ulhasnagar, Sardarnagar and other townships and colonies for displaced persons at an estimated cost of about Rs.4 crores. One of the problems which Government has to face with regard to these houses is that of recovery of rent. It is noticed that the displaced persons do not pay rent and as a result of this, rent arrears have accummulated to the extent of Rs.40 lacs. Government has financed the housing programme from the loans obtained from the Government of India. These loans have to be repaid to the Government of India with interest. If rents are not recovered, it will not be possibl e to repay the loans within the stipulated period. At present the Government has no powers to recover rents speedily. It is, therefore, proposed to enact a special legislation to provide for the speedy recovery of rent and for summary eviction in the case of those who fail to pay rent regularly.

Another problem in the various colonies and townships of displaced persons is that of unauthorised occupation. The displaced personshave occupied tenements without any allotment being made to them by the competent officers. It is difficult to recover rent or to evict such persons. It is therefore proposed to assume powers to remove such unauthorised persons from occup tion of Government tenements.

This question was recently discussed with Hon'ble Minister Rehabilitation, Government of India, and he was also of the view that the proposed legislation should be enacted without any delay. The Government of India have accorded administrative approval to the proposed legislation. A copy of the Bill is attached.